

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15050 - APPLICANT: EGJ MANAGEMENT, LLC -  
OWNER: RANCHO DRIVE, LLC**

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***THIS ITEM WAS STRICKEN FROM THE SEPTEMBER 6, 2006 CITY COUNCIL  
AGENDA TO BE PROPERLY NOTIFIED.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Habitable and Non-Habitable Accessory Structure use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-15051) shall be required.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

5. Coordinate with the Clark County Health District to determine if the existing septic system permit will accommodate the additional square footage of the dwelling; if not coordinate with the City of Las Vegas Collection Systems Planning Section of the Department of Public Works regarding connection to the City of Las Vegas sewer system.
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This is a request for a Special Use Permit for the proposed addition of three habitable accessory structures and one non-habitable accessory structure at 5050 North Rainbow Boulevard.

### **EXECUTIVE SUMMARY**

The proposed addition of three habitable accessory structures and one non-habitable accessory structure will not have a negative affect on the surrounding area. At over 45 acres, the property is large enough to accommodate the proposed development. Large setbacks and abundant landscaping are able to conceal the large buildings from adjacent uses. Approval of this request is recommended.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

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|----------|--|
| 09/03/80 | The City Council denied a request for a Rezoning (Z-38-80) from R-E (Residence Estates) and C-2 (General Commercial) to C-2 (General Commercial) on property at this location. The Planning Commission and staff recommended denial.   |
| 03/27/86 | The City Council approved a Variance (V-29-86) to allow an accessory building and the keeping of horses with out a main dwelling on property at this location.   |
| 05/09/02 | The Planning Commission approved a Variance (V-18-02) to allow an addition to an existing single family residence to be 40-feet in height and three stories tall where the maximum allowed is 35-feet in height and two-stories tall on property at this location. Staff recommended denial. |
| 08/24/06 | The Planning Commission recommended approval of companion item VAR-15051 concurrently with this application.   |
| 08/24/06 | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #12/ng).   |

#### ***B) Pre-Application Meeting***

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|----------|---|
| 06/19/06 | A pre-application meeting was held and elements of this project were discussed. |
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***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 45.91

***B) Existing Land Use***

Subject Property: Single Family Residential  
North: Single Family Residential  
Undeveloped  
South: Single Family Residential  
Undeveloped  
East: Undeveloped  
West: Undeveloped  
Commercial

***C) Planned Land Use***

Subject Property: SC (Service Commercial)  
O (Office)  
L (Low Density Residential)  
North: SC (Service Commercial)  
L (Low Density Residential)  
South: SC (Service Commercial)  
L (Low Density Residential)  
East: L (Low Density Residential)  
West: GC (General Commercial)

***D) Existing Zoning***

Subject Property: R-E (Residence Estates)  
North: R-PD2 (Residential Planned Development - 2 Units Per Acre)  
R-E (Residence Estates) under Resolution of Intent to R-1 (Single  
Family Residential)  
South: C-1 (Limited Commercial)  
R-1 (Single Family Residential)  
East: R-E (Residence Estates) under Resolution of Intent to R-1 (Single  
Family Residential)  
West: C-2 (General Commercial)

***E) General Plan Compliance***

The property is located in the Centennial Hills Sector Plan area of the General Plan. The property also carries three land use designations. These are SC (Service Commercial), O (Office), and L (Low Density Residential). The property is zoned R-E (Residence Estates) and is currently used in a residential capacity. A General Plan Amendment to RNP (Rural Neighborhood Preservation) is recommended at a future date to bring the site into compliance with the zoning and current use on the property.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>	<b>X</b>	
Airport Overlay District	<b>X</b>	
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Airport Overlay District**

The site is located in the North Las Vegas Airport Overlay District 200-foot notification zone. The proposed addition is less than 40 feet tall; therefore, no action is required on the part of the applicant regarding this standard.

**Trails**

There is a multi-use transportation trail located along Rainbow Boulevard. The applicant is in compliance with the requirements of this trail and no additional action will be required.

**ANALYSIS**

***A) General Analysis and Discussion***

- **Zoning**

The subject property is zoned R-E (Residence Estates). The purpose of the R-E District is to provide for low density residential units located on large lots and conveying a rural environment. These Districts are consistent with the policies of the Desert Rural Density Residential category of the General Plan. The proposed project is in compliance with the R-E (Residence Estates) District.

- Use

#### **HABITABLE ACCESSORY STRUCTURE [U, R-A, R-E, R-D, R-1]**

- (1) The size of the lot or parcel must exceed six thousand five hundred square feet.
- (2) Unless the principal dwelling is owner-occupied, a habitable accessory structure may not be offered or occupied as a rental unit.
- (3) A habitable accessory structure may contain one kitchen, but otherwise must comply with all provisions of Section 19.08.040 applicable to accessory structures.
- (4) A minimum of one additional on-site parking space must be provided beyond the number of spaces normally required.

#### **NON-HABITABLE ACCESSORY STRUCTURE [ALL RESIDENTIAL DISTRICTS]**

The use shall comply with all provisions of Section 19.08.040 applicable to accessory structures.

The proposed habitable accessory structures are in compliance with the standards of Title 19.04. The non-habitable accessory structure is not in compliance with Title 19.08.040 and thus a Special Use Permit and Variance are required.

Per Title 19.08.040:

(c) Size and Coverage. The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot. In addition, the main aggregate total of the ground floor areas of all accessory buildings shall not cover more than fifty percent of the rear yard, and further, in the zoning districts where lot coverage provisions exist, the aggregate total of the ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted in that zoning district.

The total floor area of all accessory structures is actually approximately 10 times greater than that of the main dwelling. This Special Use Permit and the related Variance (VAR-15051) are intended to permit this deviation from standards. The parcel is very large, at over 45 acres, and is well landscaped. The existing home and proposed accessory structures will not be visible from adjacent properties. The scale of the site is large enough to accommodate the proposed accessory structures and maintain the character of the site. Approval of this Special Use Permit is recommended.

- Conditions

There are no special conditions associated with this Special Use Permit request.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed addition of three habitable accessory structures and one non-habitable accessory structure to this property can be conducted in a manner that is harmonious and compatible with surrounding development. The property is over 45 acres and contains abundant landscaping and large setbacks that screen the development from adjacent uses. Approval of this request is recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is large at over 45 acres and is capable of handling development of this size and intensity.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to this site is provided via Rainbow Boulevard. The proposed project will not result in a significant increase in the traffic flow to and from this location. The street facilities providing access to and from this location are adequate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit will not compromise the public health or general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 644 by City Clerk

**APPROVALS** 0

**PROTESTS** 0